UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,499	09/08/2003	Umesh Mahajan	112025-0130C1	9346

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EXAMINER
DUONG, DUC T

ART UNIT	PAPER NUMBER
2619	

MAIL DATE	DELIVERY MODE
04/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/657,499	MAHAJAN ET AL.
	Examiner	Art Unit	
	Duc T. Duong	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 January 2008</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>20-51</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>20-51</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 20-51 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claims 21-23, 25-27 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

        Regarding to claim 21, the claim recited "A computer-readable medium

comprising executable program instructions" is vague and indefinite because it is

unclear how a medium can comprise instructions. A medium can have

instructions stored on it, recorded on it, etc, but it is not clear how it can just

comprise instructions. Claims 23, 25, 27 are also rejected since they contain the same

deficiency. Claims 22, 26 are rejected also since it depend from a rejected base claim

and contain the same deficiency.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 20-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gai et al (US Patent 6,032,194).

Regarding to claims 20, 28, 34, and 40, Gai discloses a computer readable

medium (fig. 2 col. 8 lines 45-50) containing executable program instructions for use by

an intermediate network device 214 having a plurality of ports 230 for receiving and

forwarding network messages (fig. 2 col. 8 lines 3-5), the executable program

instructions comprising program instructions for configuring one or more ports as

access ports 230 (fig. 1-2 col. 10 lines 1-5, noted port 230 is configured as an access

port 1 and 5-8 in fig. 1), wherein an access port is a port that does not provide

connectivity to switches or bridges to other portions of a computer network, but instead

connects to a Local Area Network LAN 109 (fig. 1 col. 7 lines 9-13); configuring one or

more ports as rapid forwarding ports 230 (col. 11 lines 8-15); identifying all ports that

have been configured with rapid forwarding (fig. 2 col. 8 lines 24-39); and upon

initialization of the device (detect link failure), placing each identified port 230 with rapid

forwarding directly to a forwarding spanning tree port state, without transitioning such

identified ports between any intermediary spanning tree port states, so that network

messages may be received and forwarded by such identified ports immediately (fig. 3D

col. 12 lines 32-42).

Gai fails to teach for the configuring the one or more access ports with rapid

forwarding.

However, Gai do teach for configuring other ports with rapid forwarding (fig. 2 col.

8 lines 12-23).

Thus, it would have been obvious to a person of ordinary skill in the art to configure the one or more access ports with rapid forwarding as taught by Gai to reduce the time necessary to reconfigure the LAN, server, or end station follow a network change, and thus enable a more efficient and faster processing of data.

Regarding to claims 21, 29, 35, 44, and 48, Gai discloses monitoring each of the one or more access ports configured with rapid forwarding for receipt of a configuration bridge protocol data unit (BPDU) message and in response to receiving a BPDU message at one of the access ports configured with rapid forwarding, placing the respective access port in a blocking spanning tree port state (fig. 3E col. 14 lines 25-51).

Regarding to claim 22, Gai discloses the intermediate network device has a memory 240 and the configuration of ports as access ports with rapid forwarding is stored at the memory (fig. 2 col. 8 lines 12-24).

Regarding to claims 23, 31, 37, 45, and 49, Gai discloses placing one or more other ports in a listening spanning tree port state (fig. 3D col. 10 lines 1-5), upon initialization of the device.

Regarding to claims 24, 32, 38, 43, 46, and 50, Gai discloses a computer readable medium (fig. 2 col. 8 lines 45-50) containing executable program instructions for use by an intermediate network device 214 having a plurality of ports 230 for receiving and forwarding network messages (fig. 2 col. 8 lines 3-5), the executable program instructions comprising program instructions for configuring one or more ports as access ports 230 (fig. 1-2 col. 10 lines 1-5, noted port 230 is configured as an access

port 1 and 5-8 in fig. 1); configuring one or more ports as rapid forwarding ports 230

(col. 11 lines 8-15); identifying all ports that have been configured as access ports with

rapid forwarding (fig. 2 col. 8 lines 24-39); and upon initialization of the device (detect

link failure), placing each identified port 230 with rapid forwarding directly to a

forwarding spanning tree port state, without transitioning such identified ports between

any intermediary spanning tree port states, so that network messages may be received

and forwarded by such identified ports immediately (fig. 3D col. 12 lines 32-42), wherein

each port configured with rapid forwarding is placed in the forwarding state prior to a

physical layer link-up signal being received at the respective port (col. 14 lines 53-58).

Gai fails to teach for the configuring the one or more access ports with rapid forwarding.

Gai fails to teach for the configuring the one or more access ports with rapid

forwarding.

However, Gai do teach for configuring other ports with rapid forwarding (fig. 2 col.

8 lines 12-23).

Thus, it would have been obvious to a person of ordinary skill in the art to

configure the one or more access ports with rapid forwarding as taught by Gai to reduce

the time necessary to reconfigure the LAN, server, or end station follow a network

change, and thus enable a more efficient and faster processing of data.

Regarding to claims 25, 27, 33, and 47, Gai discloses generating and issuing one

or more configuration bridge protocol data unit (BPDU) messages from each access

port configured as rapid forwarding (col. 10 lines 1-25).

Regarding to claims 26, 39, 41, and 51, Gai discloses an end station is not coupled to a selected one of the access ports configured with rapid forwarding until after the respective access port is placed in the forwarding spanning tree port state (col. 13 lines 50-57).

Regarding to claims 30, 36, and 42, Gai discloses a method comprising configuring one or more ports as access ports 230 (col. 10 lines 1-5); configuring one or more access ports as rapid forwarding ports 230 (col. 11 lines 8-15) by selecting with a management protocol (col. 4 lines 30-53), by a network administrator (col. 8 lines 52-56), the one or more access ports to have rapid forwarding designation; identifying all ports that have been configured as access ports with rapid forwarding (fig. 2 col. 8 lines 24-39); and upon initialization of the device (detect link failure), placing each identified access port 230 with rapid forwarding directly to a forwarding spanning tree port state, without transitioning such identified ports between any intermediary spanning tree port states, so that network messages may be received and forwarded by such identified ports immediately (fig. 3D col. 12 lines 32-42).

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is (571)272-3122. The examiner can normally be reached on M-F (8:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. T. D./   /Wing F. Chan/
Examiner, Art Unit 2619   Supervisory Patent Examiner,
                                                        Art Unit 2619
                                                        4/14/08